

# Clarke County

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## PLANNING COMMISSION REGULAR MEETING MINUTES 2011 December 2



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, 2011 December 2.

Chair Ohrstrom called the meeting to order at 9:08 a.m.

### ATTENDANCE

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Clay Brumback, Scott Kreider, Tom McFillen, Bev McKay, Cliff Nelson, Richard Thuss and Jon Turkel.

### ABSENT

A.R. Dunning, Jr., Bev McKay and Chip Steinmetz

### STAFF

Jesse Russell, Acting Planning Director and Zoning Administrator; and Debbie Bean, Recording Secretary.

### APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda as presented.

**Yes:** Brumback, Caldwell, Kreider, McFillen (moved), Nelson (seconded), Ohrstrom, Thuss and Turkel

**No:** No one

**Absent:** Dunning, McKay and Steinmetz

### APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of 2011 November 1.

**Yes:** Brumback, Caldwell (moved), Kreider, Nelson, Thuss (seconded) and Turkel

**No:** No one

**Absent:** Dunning, McKay and Steinmetz

**Abstained:** Ohrstrom, and McFillen

The Commission voted to approve the regular meeting minutes of 2011 November 4.

**Yes:** Brumback, Caldwell, Kreider, Nelson (moved), Ohrstrom, Thuss (seconded) and Turkel

**No:** No one

**Absent:** Dunning, McKay and Steinmetz,

**Abstained:** McFillen

### MAJOR SUBDIVISION – CONT'D PUBLIC HEARING

**H. Robert Showers, Attorney for Salvation Army (Ron Mislowsky, Engineer, PHR&A Agent) requests approval for a 22-lot subdivision for Tax Map Parcels 13-((A))-13 [6 tracts] and 13-((A))-56 located at 642 Westwood Road, Russell Election District, zoned Agricultural Open-Space-Conservation (AOC). S-08-01**

Commissioner McKay entered the meeting.

Mr. Russell explained this request. He said that at the November meeting of the Planning Commission there were still some outstanding issues regarding the Consumer Disclosure Statement, Karst Plan and the Subdivision Plat. He said that the Planning Commission met with the County attorney at the briefing meeting on Tuesday, November 29 to discuss the issue of recordation of the Consumer Disclosure Statement and as to any options that might be available to the Planning Commission in regard to recording the Consumer Disclosure Statement. Mr. Russell stated that the Consumer Disclosure Statement would be filed in the Planning Department. He stated that the Karst Plan has been submitted and reviewed by County geotechnical engineer, Dan Rom. He stated that Mr. Rom said that the Karst Plan appears to be in general accordance with the Zoning Ordinance requirements. Mr. Rom recommended several additional studies be included in the report. Mr. Russell stated that since that report was submitted the additional studies were added to the report. Mr. Russell stated that the subdivision plat has been revised so as to address all Planning Commission comments. He also stated that the road construction estimate had been provided by the applicant and bonding would be forthcoming. He stated that his recommendation is to approve on condition that the bonding be presented to the Clarke County Planning Department before the Zoning Administrator signs the plats. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

John Farrell, McCandlish & Lillard, legal counsel representing the Salvation Army was present and stated that he felt that Mr. Russell's summaries of this proposal are correct. He said the Consumer Disclosure Statement was presented to Mr. Russell this morning and will be kept on file in the Planning Department.

Barbara Byrd, Board of Supervisor for Russell District, was present and questioned if it is true that the Salvation Army presented a full Consumer Disclosure Statement. Chair Ohrstrom assured her that it has been provided. She stated that she hopes if this proposal passes the Salvation Army keeps it promise of giving the 71 acres to the high school.

There being no further public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve this request with condition upon the Salvation Army posting the necessary bond or other secured performance guarantee in accordance with Section 11-B of the Clarke County Subdivision Ordinance and which is acceptable with the Planning Department and prior to the Zoning Administrator signing the plats.

**Yes:** Brumback, Caldwell (moved), Kreider, McFillen (seconded), McKay, Nelson, Ohrstrom, Thuss and Turkel

**No:** No one

**Absent:** Dunning and Steinmetz

#### **TEXT AMENDMENT – CONT'D PUBLIC HEARING**

**Section 6-H-1, *Improvements and Minimum Standards for Site Plans* so as to establish standards for a grid network of secondary public highways with on-street parking, sidewalks, and street trees in the commercially zoned areas at the Waterloo and Double Tollgate intersections.**  
**TA-11-08A**

Mr. Russell explained this text amendment. He stated that at the November Planning Commission meeting the Commission requested that staff separate the proposed text amendments into separate discussions and actions. He stated that there was discussion about the development and future zoning of both Waterloo and Double Tollgate areas. He stated that there were concerns with regard to build out at Waterloo and as to water and sewer availability at Double Tollgate. He stated that the current County comprehensive plan and component plans should be the primary document for the future growth of these areas. He said it has been discussed that to adopt these guidelines may be at odds with our comprehensive plan's primary status. He said it has been suggested that when the comprehensive plan is renewed in 2012 that the Comprehensive Plan committee should discuss the proposed ordinance in conjunction with the plans for Double Tollgate and Waterloo. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments Chair Ohrstrom called for a motion.

The Commission voted unanimously to table this amendment.

**Yes:** Brumback, Caldwell (moved), Kreider, McFillen, McKay, Nelson, Ohrstrom, Thuss and Turkel (seconded)

**No:** No one

**Absent:** Dunning and Steinmetz

#### **TEXT AMENDMENT – CONT'D PUBLIC HEARING**

**Section 3-E-4-e, *Design Criteria for that portion of the Historic Access Corridor Overlay District outside of the boundaries of the Berryville Area Plan*, so as to:**

- **encourage the retention of the architectural character of existing commercial structures in the overlay district,**
- **encourage a traditional pattern of commercial development (with a grid network of streets and buildings directly fronting on these streets) in the commercially zoned areas at the Waterloo and Double Tollgate intersections, and**
- **more clearly re-state some of the Criteria. TA-11-08B**

Mr. Russell explained this request. He stated that this proposed text amendment deals mostly with clarifying the existing ordinance although the proposed text amendment does include text related to the Waterloo and Double Tollgate Area that would no longer be applicable should the Planning Commission table the following proposed text amendment in regard to setbacks and site plans. He stated that staff suggests the Planning Commission delete that portion of this proposed text amendment shown as 2g and 2h that related to the tabled text amendment but retain all the other proposed text revisions. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Maral Kalbian, County Architectural Historian was present and gave a brief discussion regarding this amendment. She stated that this proposed amendment would clarify the language and the types of building supplies that will be used.

Commissioner Thuss questioned the comment regarding not using a fake roof front and what is the reason for not using them. Ms. Kalbian stated you should be truthful about what you're using and staying with the architecture of the historic building.

Commissioner Dunning entered the meeting.

Mr. Russell stated that when someone brings in plans he would bring in Ms. Kalbian to see if the plans are in conformance to this proposed amendment and then to bring the plans to the Planning Commission for their comments.

There being no further public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to recommend approval of this text amendment to the Board of Supervisors with the deletion of 2g and 2h.

**Yes:** Brumback, Caldwell (moved), Dunning (seconded), Kreider, McFillen, McKay, Nelson, Ohrstrom, Thuss and Turkel

**No:** No one

**Absent:** Steinmetz

### **TEXT AMENDMENT – CONT'D PUBLIC HEARING**

**The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance: Section 3-A-13-c, *Minimum Yard Requirements in the Highway Commercial Zoning District*, so as to eliminate building setback requirements from secondary highways. TA-11-08C**

Mr. Russell explained this request. He said this amendment should be in conjunction with our Comprehensive Plan. He said it has been suggested that when the Comprehensive Plan is renewed in 2012 that the Planning Commission Comprehensive Plan committee should discuss the proposed amendment in conjunction with the plans for Double Tollgate and Waterloo areas. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments Chair Ohrstrom called for a motion.

The Commission voted unanimously to table this amendment.

**Yes:** Brumback, Caldwell, Dunning, Kreider (seconded), McFillen, McKay, Nelson, Ohrstrom, Thuss (moved) and Turkel

**No:** No one

**Absent:** Steinmetz

### **Board/Committee Reports**

#### **Board of Supervisors – Pete Dunning**

Commissioner Dunning stated that the Planning Commission did not have any items going to the Board of Supervisors in November.

#### **Sanitary Authority - Pete Dunning**

Commissioner Dunning stated that there was not much going on with the Sanitary Authority at the November meeting.

#### **Board of Septic & Well Appeals - Pete Dunning**

Nothing to report.

#### **Board of Zoning Appeals - Anne Caldwell**

Commissioner Caldwell stated there was a 10-foot front yard setback variance approved at a public hearing on 2011 November 18.

### **Historic Preservation Commission - Cliff Nelson**

Commissioner Nelson stated that the Commission last met on 2011 November 22. He said the next meeting is scheduled for 2012 January 24. Mr. Russell gave a brief discussion regarding the American Civil War (A Community at the Crossroads event scheduled for 2011 December 10 from 6:00 – 7:30 p.m.) at The Barns of Rose Hill. He stated that the event is open to the public and everything is free.

### **Conservation Easement Authority - George L. Ohrstrom, II**

Chair Ohrstrom stated that the Authority is very busy because there are lots of people trying to close before the end of the year. He said that they had to schedule an extra meeting to keep up.

### **Staff Reports**

#### **Natural Resource Activities - Alison Teetor**

Ms. Teetor gave a brief discussion regarding the Chesapeake Bay TMDL which is a project we have been given to do our part to clean up the Bay. She also spoke about a gas leak at the J & J Corner Store. She stated a meeting was held regarding this matter and about 25 people showed up. She said it was a good meeting and carbon filters have been installed for individuals that have gas in their wells. She said they are staying on top of this problem.


Chair Ohrstrom recognized today as the last meetings for Commissioner Dunning and Commissioner McKay. He read the Resolutions of appreciation to Commissioner Dunning and Commissioner McKay for their many years of service to the Planning Commission.

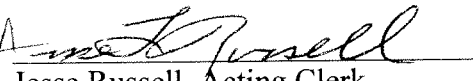
Commissioner Dunning and Commissioner McKay expressed their appreciation for the Resolutions and for the support and friendships of the Commission members.

### **Enforcement Officer - Nancy Olin**

See staff report.

There being no further discussion, the meeting was adjourned at 10:14 a. m. until the next regular meeting of the Commission on 2012 January 6.

  
George L. Ohrstrom, II, Chair

  
Jesse Russell, Acting Clerk

Minutes prepared by Debbie Bean, Recording Secretary